IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No.13815 of 1998

Between:

N. Venkatesham, S/o. Manaiah,
Arunodaya Finance Corporation,

Near Ram Mandi, Sadasivapet, Medak District.

..... PETITIONER

AND

1 The Union of India, Rep. by its Secretary,
Ministry of Home Affairs, Central Secretariat,
New Delhi.

2 The District Forum under the Consumer

Protection Act, 1986, Medak District,

Sangareddy-502 001,

Rep. by its President.

3 D. Swapna, D/o. D. Sivakumar,
Rep. by her father and Guardian Sivakumar,

S/o. Rajaramu, Shankarpalli, Ranga Reddy District.

4 Sri B. Prakasham S/o. Anjaiah,
Occ: Business, Near Prabhu Mandi, Sadasivapet,
Medak District.

5 The Superintendent of Police,
Medak District, at Sangareddy.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Section 27 of the Consumer Protection Act, 1986 as illegal, arbitrary, unjust, and unconstitutional, being violative of Articles 14, 19, 21 and 300-A of the Constitution of India, and consequently declaring the order passed by the 2nd Respondent in E.P.No.37 of 1997 in O.P.No.18 of 1997 vide Dis. No.172/98 dated 22-4-1998 issued by the 2nd respondent, as wholly without jurisdiction, null and void and nonest in the eye of law.

Counsel for the Petitioner: MR.D. RAMESH

Counsel for Respondent No.1: Mr. A. Rajasekhara Reddy,
S.C. for C.G.

Counsel for Respondent No.2: G.P. for Civil Supplies.

Counsel for Respondent No.3 & 4 : None appeared.

Counsel for Respondent No.5: GP FOR HOME

The Court made the following :

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ORDER: (Per Hon'ble Sri Justice B. Sudershan Reddy)

The subject matter that arises for consideration in this Writ Petition is squarely covered by the decision rendered by a Full Bench of this Court in ***C.V. Ratnam v. Union of India & Others***.

Following the decision of the Full Bench, this writ petition is required to be dismissed and the same shall accordingly stand dismissed without any order as to costs.

However, the petitioner shall have the advantage of the observations made in the judgment and the remedy to prefer appeal against the decision of the District Forum is left open.

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B. SUDERSHAN REDDY, J

Date:01-11-2004.

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K.C. BHANU, J

PV

To

1) The Secretary, Union of India, Ministry of Home Affairs,

New Delhi.

2) The President, District Consumer Forum, Medak District
at Sanga Reddy.

3) The Superintendent of Police, Medak District, Sanga Reddy.

4) Two C.Cs. to G.P. for Home, High Court of A.P., Hyd., (O.U.T.).

5) Two C.Ds.